

REMARKS

Claims 1-11 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1 and 3-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Leibach (U.S. Pat. No. 6,250,615) in view of Fukahori et al (U.S. Pat. No. 4,761,925). This rejection is respectfully traversed.

The Examiner alleges that the claimed invention is obvious because Leibach teaches a device that closely resembles the claimed hydro-mount, but does not teach a protective coating. Nevertheless, the Examiner alleges that Fukahori teaches a protective coating and, therefore, it would have been obvious to apply a protective coating to the rubber spring element of Leibach for increased resistance to cracking and/or protection from the environment. Claim 1, however, has been amended to recite a hydro-mount for a vehicle comprising a spring element that is resistant to temperatures in excess of 150°C. A hydro-mount for a vehicle is described at, for example, paragraph [0004] of the application. A spring element that is resistant to temperatures in excess of 150°C is described at, for example, at paragraph [0006] of the application. Applicant respectfully asserts that neither Leibach, Fukahori, nor any combination thereof teaches, suggests, or provides motivation to utilize such a structure.

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space 8. The Examiner has acknowledged that Leibach is completely silent with respect to a protective coating formed on a side of the spring element 3 that faces the work space, and is resistant to a damping liquid.

Further, the Leibach reference provides no suggestion or motivation to utilize a spring element including a two layer structure including a resilient material that is resistant to high temperatures, and a protective layer that is impervious a damping liquid. Leibach, rather, teaches in column 4, lines 20-26 that to protect the rubber isolator 3 from high temperatures, the rubber isolator 3 should be shielded by a tension restraint member 14. This is different from the claimed invention which calls for the spring element to be formed of a resilient material that is resistant to temperatures in excess of 150°C. Because Leibach teaches a rubber isolator 3 that does not include a dual layer structure, and only teaches that to protect the rubber isolator 3 from high temperatures that the rubber isolator 3 should be shielded by a tension restraint member 14, Applicant respectfully asserts that Leibach does not contain any suggestion or motivation to look to the teachings of Fukahori to provide a dual layer structure that is resistant to temperatures in excess of 150°C and is impervious to a damping liquid. In fact, because the rubber material of Leibach is already impervious to the damping fluid, such a combination is unnecessary or needless.

Fukahori also does not contain any teaching or suggestion that would lead one skilled in the art of hydro-mounts to modify the mount of Leibach to include a resilient material that is resistant to temperatures in excess of 150°C, as well as include a protective layer disposed on a side of the spring element that faces a work space that is impervious to a damping fluid. This is because Fukahori is directed to an anti-seismic

rubber bearing that supports buildings. Moreover, Applicant respectfully asserts that one skilled in the art of hydro-mounts for a vehicle would not be motivated to look to an anti-seismic rubber bearing for a building to solve a problem directed to providing a hydro-mount that is resistant to high temperatures and impervious to a damping fluid. This is because Fukahori is directed to an art that is completely non-analogous to a hydro-mount for a vehicle.

What's more, assuming arguendo that one skilled in the art would be motivated to look to Fukahori to provide a hydro-mount that is resistant to high temperatures and impervious to a damping fluid, Applicant respectfully asserts that the proposed combination of Leibach and Fukahori still does not yield the claimed invention. That is, Fukahori in Figure 1 teaches a protective coating 14 that is formed on the outside of the anti-seismic rubber bearing. This contrasts with the claimed invention because the claimed protective layer is formed on a side of the spring element that faces a work space to be sealed. Accordingly, Applicant respectfully asserts that the proposed combination of Leibach and Fukahori effectively teaches away from the claimed invention. More specifically, modifying the rubber isolator 3 of Leibach with the protective coating of Fukahori would result in a rubber isolator 3 with the protective coating formed on the outside of the rubber isolator 3, which contrasts with the claimed invention.

Furthermore, Fukahori merely teaches that the special rubber coating 14 is merely resistant to weather. This would not lead one skilled in the art of hydromounts to modify the rubber isolator of Leibach to be resistant to high temperatures. This is because the claimed hydro-mount is used in a vehicle application, an application that

can be subjected to temperatures that can be in excess of 200°C. By merely providing a coating that is merely resistant to weather, there is no teaching or suggestion that such a modification to the Leibach reference would result in a hydro-mount that could withstand the high temperatures that are generated during operation of a vehicle or be resistant to a material such as a damping fluid.

In view of the foregoing, Applicant respectfully asserts that the Examiner's conclusion of obviousness stems from hindsight reasoning that uses teachings impermissible gleaned from the present invention. There is no suggestion in the Leibach reference that a dual layer structure should be utilized to protect the claimed spring element from high temperatures and damping fluid because Leibach teaches that the rubber isolator 3 should merely be shielded by a tension restraint member 14 to protect from high temperatures. Further, to modify the teachings of Leibach with the teachings of Fukahori would merely result in a hydro-mount that is formed with an outer layer formed on an outside of the spring element that is resistant to weather. There is no teaching or suggestion that the rubber coating of Fukahori is resistant to temperatures in excess of 150°C, as claimed.

Accordingly, Applicant respectfully asserts that the Examiner has breached his initial duty to supply a factual basis that supports a rejection under 35 U.S.C. §103. Because the Examiner has impermissibly used evidence gleaned from the Applicant's own disclosure in a hindsight reconstruction of the present invention, the claimed invention is not obvious. Applicant, therefore, respectfully requests reconsideration and withdrawal of this rejection.

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Leibach in view of Fukahori et al as applied to claim 1, above, and further in view of Vernier (U.S. Pat. No. 3,874,646). This rejection is respectfully traversed.

Claim 2 is dependent on independent claim 1, addressed above. Claim 2 is not obvious for at least the same reasons.

Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: August 5, 2005

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PER/JAH

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